

HOUSE BILL 678

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2004 Regular Session
(4r0565)

ENROLLED BILL

-- Environmental Matters/Judicial Proceedings --

Introduced by **Prince George's County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County - Employees - Criminal History Records Checks**
3 **PG 314-04**

4 FOR the purpose of authorizing the ~~County Administrator~~ Chief Administrative
5 Officer of Prince George's County to request State or national criminal history
6 records checks from the Criminal Justice Information System Central
7 Repository for certain prospective employees; ~~requiring the County~~
8 ~~Administrator to pay the Department of Public Safety and Correctional Services~~
9 ~~certain fees; requiring the Chief Administrative Officer of Prince George's County~~
10 to submit certain items to the Criminal Justice Information System Central
11 Repository; requiring the Central Repository to forward the prospective
12 employee's criminal history record information to the prospective employee and
13 the Chief Administrative Officer of Prince George's County; providing that
14 certain information obtained from the Central Repository is confidential, may
15 not be disseminated, and may only be used for a certain employment purpose;
16 authorizing the subject of a certain criminal history records check to contest the

1 contents of a certain printed statement; requiring the County Executive to
2 propose and the County Council to adopt guidelines to carry out this Act;
3 defining a certain term; and generally relating to employee criminal history
4 records checks in Prince George's County.

5 BY repealing and reenacting, without amendments,
6 Article - Criminal Procedure
7 Section 1-101(f) and 10-201(c) and (d)
8 Annotated Code of Maryland
9 (2001 Volume and 2003 Supplement)

10 BY adding to
11 Article - Criminal Procedure
12 Section 10-236
13 Annotated Code of Maryland
14 (2001 Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Criminal Procedure**

18 1-101.

19 (f) "Department" means the Department of Public Safety and Correctional
20 Services.

21 10-201.

22 (c) "Central Repository" means the Criminal Justice Information System
23 Central Repository established under § 10-213 of this subtitle.

24 (d) (1) "Criminal history record information" means data that are developed
25 or collected by a criminal justice unit about a person and that pertain to a reportable
26 event.

27 (2) "Criminal history record information" includes:

28 (i) data from a unit that is required to report to the Central
29 Repository under Title 3 of this article;

30 (ii) data about a person following waiver of jurisdiction by a
31 juvenile court; and

32 (iii) data described under §§ 10-215(a)(21) and (22) and 10-216 of
33 this subtitle.

34 (3) "Criminal history record information" does not include:

1 (i) data contained in intelligence or investigatory files or police
2 work product records used only for police investigations;

3 (ii) except as provided in paragraph (2)(ii) and (iii) of this
4 subsection, data about a proceeding under Title 3, Subtitle 8A of the Courts Article;

5 (iii) wanted posters, police blotter entries, court records of public
6 judicial proceedings, or published court opinions;

7 (iv) data about a violation of:

8 1. a traffic law of this State or any other traffic law,
9 ordinance, or regulation;

10 2. a local ordinance or a State or local regulation; or

11 3. the Natural Resources Article or a public local law;

12 (v) data about the point system established by the Motor Vehicle
13 Administration under Title 16 of the Transportation Article; or

14 (vi) a presentence investigation report or other report that a
15 probation department prepares for a court to use in the exercise of criminal
16 jurisdiction or for the Governor to use in the exercise of the Governor's power to grant
17 a pardon, reprieve, commutation, or nolle prosequi.

18 10-236.

19 ~~(A) THE COUNTY ADMINISTRATOR CHIEF ADMINISTRATIVE OFFICER OF~~
20 ~~PRINCE GEORGE'S COUNTY MAY REQUEST A STATE OR NATIONAL CRIMINAL HISTORY~~
21 ~~RECORDS CHECK FROM THE CENTRAL REPOSITORY FOR A PROSPECTIVE EMPLOYEE~~
22 ~~OF PRINCE GEORGE'S COUNTY.~~

23 ~~(B) THE COUNTY ADMINISTRATOR OF PRINCE GEORGE'S COUNTY SHALL PAY~~
24 ~~TO THE DEPARTMENT THE FEE THAT THE DEPARTMENT IMPOSES FOR EACH~~
25 ~~REQUEST MADE UNDER SUBSECTION (A) OF THIS SECTION. IN THIS SECTION,~~
26 ~~"CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM~~
27 ~~CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND~~
28 ~~CORRECTIONAL SERVICES.~~

29 (B) THE CHIEF ADMINISTRATIVE OFFICER OF PRINCE GEORGE'S COUNTY MAY
30 REQUEST WITH REFERENCE TO A PROSPECTIVE EMPLOYEE OF PRINCE GEORGE'S
31 COUNTY A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FROM THE
32 CENTRAL REPOSITORY.

33 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
34 CHECK, THE CHIEF ADMINISTRATIVE OFFICER OF PRINCE GEORGE'S COUNTY SHALL
35 SUBMIT TO THE CENTRAL REPOSITORY.

1 (I) TWO COMPLETE SETS OF THE PROSPECTIVE EMPLOYEE'S
2 LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE
3 CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF
4 INVESTIGATION;

5 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL
6 PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS;
7 AND

8 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
9 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
10 RECORDS CHECK.

11 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL
12 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE
13 PROSPECTIVE EMPLOYEE AND THE CHIEF ADMINISTRATIVE OFFICER OF PRINCE
14 GEORGE'S COUNTY THE PROSPECTIVE EMPLOYEE'S CRIMINAL HISTORY RECORD
15 INFORMATION.

16 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
17 THIS SECTION:

18 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

19 (II) MAY BE USED ONLY FOR THE EMPLOYMENT PURPOSE
20 AUTHORIZED BY THIS SECTION.

21 (4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
22 THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED
23 BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL
24 PROCEDURE ARTICLE.

25 ~~(C)~~ (D) THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY SHALL
26 PROPOSE AND THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY SHALL ADOPT
27 GUIDELINES TO CARRY OUT THIS SECTION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2004.